

Appl. No. 10/731,576
Amdt. dated July 21, 2006
Reply to Office action of April 27, 2006

REMARKS/ARGUMENTS

In the specification, the information that does not pertain to describing the details of the drawings has been moved to the subsection describing the summary of the invention.

Claims 1-20 remain in this application.

Claim 1, as amended, overcomes the 35 U.S.C. 102(b) rejection because it has been amended to include the invention having the protective motorcycle impact cage being substantially elliptical in cross-section. Support for the amendment to specify that the protective motorcycle impact cage is substantially elliptical in cross-section is found in Figs. 2 and 6. "Under proper circumstances, drawings alone may provide a written description of an invention as required by 35 USC 112. Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed," (Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc. 291 F.3d 1357; 62 U.S.P.Q.2D 1846 May 14, 2002). The cited and relied upon Eyre et al. (1,473,956) discloses an attachment for motorcycles that is substantially circular in cross-section (page 3, lines 70-72). As a result, Eyre et al. does not extend beyond the front and rear wheels of the motorcycle (Figure 2). In contrast, because of its substantially elliptical shape in cross-section, the current invention extends beyond and protects the front and rear wheels (see page 5, lines 14-17 and page 6, lines 21-24 of the amended specification). Thus, not only does the current invention protect the motorcycle operator and a passenger, but the current invention also does a better job of protecting the motorcycle itself than does the prior art. The dependent claims 2-8 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

Claim 9, as amended, overcomes the 35 U.S.C. 102(b) rejection because it has been amended to include the invention having the protective motorcycle impact cage

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being substantially elliptical in cross-section. Support for the amendment to specify that the protective motorcycle impact cage is substantially elliptical in cross-section is found in Figs. 2 and 6. "Under proper circumstances, drawings alone may provide a written description of an invention as required by 35 USC 112. Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed," (Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc. 291 F.3d 1357; 62 U.S.P.Q.2D 1846 May 14, 2002). The cited and relied upon Eyre et al. (1,473,956) discloses an attachment for motorcycles that is substantially circular in cross-section (page 3, lines 70-72). As a result, Eyre et al. does not extend beyond the front and rear wheels of the motorcycle (Figure 2). In contrast, because of its substantially elliptical shape in cross-section, the current invention extends beyond and protects the front and rear wheels (see page 5, lines 14-17 and page 6, lines 21-24 of the amended specification). Thus, not only does the current invention protect the motorcycle operator and a passenger, but the current invention also does a better job of protecting the motorcycle itself than does the prior art. The dependent claims 10-14 add additional novel features to the independent claims recited above and thus are submitted to be a fortiori, patentable.

Claim 15, as amended, overcomes the 35 U.S.C. 102(b) rejection because it has been amended to include the invention having the protective motorcycle impact cage being substantially elliptical in cross-section. Support for the amendment to specify that the protective motorcycle impact cage is substantially elliptical in cross-section is found in Figs. 2 and 6. "Under proper circumstances, drawings alone may provide a written description of an invention as required by 35 USC 112. Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed," (Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc. 291 F.3d 1357; 62 U.S.P.Q.2D 1846 May 14, 2002). The cited and relied upon Eyre et al. (1,473,956) discloses an attachment for motorcycles that is substantially circular in cross-section (page 3, lines 70-72). As a result, Eyre et al. does not extend beyond the front and rear wheels of the motorcycle (Figure 2). In contrast, because of its

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substantially elliptical shape in cross-section, the current invention extends beyond and protects the front and rear wheels (see page 5, lines 14-17 and page 6, lines 21-24 of the amended specification). Thus, not only does the current invention protect the motorcycle operator and a passenger, but the current invention also does a better job of protecting the motorcycle itself than does the prior art. The dependent claims 16-20 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

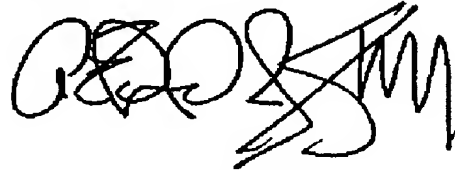
In view of the above, it is respectfully submitted that:

Claims 1-20, as amended, recite distinctions that are of patentable merit under 35 U.S.C. 102(b) for the independent claims and thus for each dependent claim as well. Specifically, a protective motorcycle impact cage that is substantially elliptical in cross-section, wherein the protective motorcycle impact cage extends beyond the front wheel and the rear wheel of a motorcycle was unsuggested among the prior art references.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Date: July 21, 2006

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

Anthony Edw. J Campbell



Friday, July 21, 2006